

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEPOSIT INSURANCE AGENCY,

Petitioner,

-against-

SERGEY LEONTIEV,

Movant.

Case No. 1:17-mc-00414-GBD-SN

**DECLARATION OF ROBERT L. WEIGEL IN SUPPORT OF MOVANT
SERGEY LEONTIEV'S MOTION FOR LEAVE TO FILE A COMPLAINT**

I, Robert L. Weigel, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am partner in the law firm of Gibson, Dunn & Crutcher LLP, and am admitted to practice law in the State of New York and the Southern District of New York. My firm represents Sergey Leontiev (“Mr. Leontiev” or “Movant”). I make this declaration in support of Mr. Leontiev’s Motion for Leave to File a Complaint against Petitioner Deposit Insurance Agency (the “DIA”).

2. Attached hereto as Exhibit 1 is a true and correct copy of Mr. Leontiev's proposed complaint against the DIA seeking declaratory relief pursuant to 28 U.S.C. §§ 2201-02 and Federal Rule of Civil Procedure 57.

3. Attached hereto as Exhibit 2 is a true and correct copy of Petitioner's Memorandum of Law in Opposition to Respondent's Motion to Quash Subpoena Issued Pursuant to 28 U.S.C. § 1782, filed in this action on February 20, 2018.

4. Attached hereto as Exhibit 3 is a true and correct copy of Respondent Sergey Leontiev's Memorandum of Law in Support of His Motion to Quash Subpoena Issued Pursuant to 28 U.S.C. § 1782, filed in this action on January 16, 2018.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Declaration of Sergey Leontiev, filed in this action on January 17, 2018.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Declaration of Anders Aslund in Support of Respondent's Motion to Quash, filed in this action on January 17, 2018.

7. Attached hereto as Exhibit 6 is a true and correct copy of an article by Daria Borisyak entitled "DIA suggests that 'Russian capital' return to Probusinessbank the money taken out prior to license revocation," Vedomosti, dated September 18, 2015, available at <https://www.vedomosti.ru/finance/articles/2015/09/18/609261-asv-prosit-rossiiskii-kapital-vernut-probiznesbanku-dengi>, and a certified translation thereof, previously filed in this action on January 16, 2018 as Exhibit 2 to the Declaration of Marshall R. King in Support of Respondent's Motion to Quash Subpoena Issued Pursuant to 28 U.S.C. § 1782 ("King Declaration").

8. Attached hereto as Exhibit 7 is a true and correct copy of the Declaration of Yuri Monastyrsky in Support of Respondent's Motion to Quash ("Monastyrsky Declaration"), filed in this action on January 16, 2018.

9. Attached hereto as Exhibit 8 is a true and correct copy of a decision, announcing Probusinessbank's bankruptcy, recognizing the DIA as bankruptcy trustee, finding a total shortfall of 1,271,128,000 rubles (approximately \$19.7 million) between PRBB's total assets and liabilities, and issuing additional orders, by the Arbitration Court of Moscow in Case No. A40-

154909/15, announced on October 27, 2015 and published on October 28, 2015, and a certified translation thereof, previously filed in this action on January 16, 2018 as Exhibit 6 to the King Declaration.

10. Attached hereto as Exhibit 9 is a true and correct copy of a press release from the Central Bank of the Russian Federation entitled “On settling obligations of OJSC JSCB Probusinessbank,” dated August 20, 2015, available at http://www.cbr.ru/eng/press/PR/?file=20082015_181232eng2015-08-20T18_08_17.htm, previously filed in this action on January 16, 2018 as Exhibit 3 to the King Declaration.

11. Attached hereto as Exhibit 10 is a true and correct copy of an article by Oksana Kobzeva and Alexander Winning entitled “4 Kremlin-friendly banks are the big winners of Russia’s economic crisis,” Business Insider, dated August 19, 2015, available at <http://www.businessinsider.com/r-rise-of-new-banks-helps-kremlin-keep-russias-economy-afloat-2015-8>, previously filed in this action on January 16, 2018 as Exhibit 4 to the King Declaration.

12. Attached hereto as Exhibit 11 is a true and correct copy of the “Order to Refuse to Open a Criminal Case,” issued on December 1, 2015 by the Investigative Committee of the Russian Federation, following its investigation into the potential liability of PRBB’s former owners and managers, which found “no evidence of crime [sic] events” and concluded that “the opening of a criminal case should be refused” “due to the absence of criminal events,” previously filed in this action on January 16, 2018 as Exhibit 4 to the Monastyrsky Declaration.

13. Attached hereto as Exhibit 12 is a true and correct copy of a document from the Resource Center of the United States Department of the Treasury entitled “Magnitsky-related Designations,” dated December 29, 2014, available at <https://www.treasury.gov/resource->

center/sanctions/OFAC-Enforcement/Pages/20141229.aspx, previously filed in this action on January 16, 2018 as Exhibit 13 to the King Declaration.

14. Attached hereto as Exhibit 13 is a true and correct copy of the DIA's *Ex Parte* Petition for an order pursuant to 28 U.S.C. § 1782, filed in this action on October, 26, 2017.

15. Attached hereto as Exhibit 14 is a true and correct copy of Judge George O'Toole's Order, dated March 19, 2018, granting the Joint Motion, submitted by the DIA, as Petitioner, and Alexander Zheleznyak, as Respondent, for a stay of the proceedings in the matter entitled *In Re Application of Deposit Insurance Agency for an Order to Conduct Discovery for Use in a Foreign Proceeding*, Case No. 17-MC-91383 (D. Mass.).

16. Attached hereto as Exhibit 15 is a true and correct copy of the DIA's Memorandum in Support of *Ex Parte* Petition for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery from Sergey Leontiev for Use in a Foreign Proceeding, filed in this action on October 26, 2017.

17. Attached hereto as Exhibit 16 is a true and correct copy of the Opinion and Order, issued by this Court in this action on July 23, 2018.

18. Attached hereto as Exhibit 17 is a true and correct copy of the *subpoena ad testificandum* and *subpoena duces tecum* for deposition testimony and document discovery from Mr. Leontiev, previously filed by the DIA in this action on October 26, 2017 as Exhibit A to the Declaration of Mary E. Flynn in Support of *Ex Parte* Petition.

19. Attached hereto as Exhibit 18 is a true and correct copy of a report issued by the U.S. Department of State's Bureau of Economic and Business Affairs entitled "Investment Climate Statements for 2016: Russia," available at <https://www.state.gov/e/eb/rls/othr/ics/>

2016investmentclimatestatements/index.htm?year=2016&dclid=%20254409#wrapper, previously filed in this action on January 16, 2018 as Exhibit 11 to the King Declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
October 11, 2018

/s/ Robert L. Weigel
Robert L. Weigel